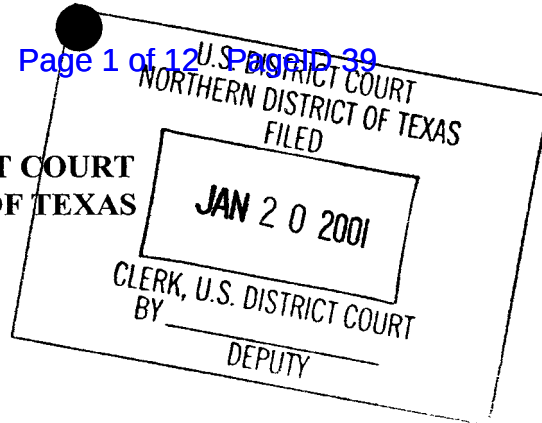


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



KEITH B. BURKINS, #1013686,
Plaintiff,

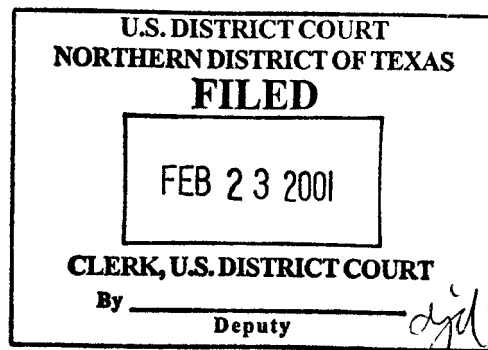
v.

ROGER A. RUDLOFF, et al.,
Defendants.

3:00-CV-2377-M

MAGISTRATE JUDGE'S QUESTIONNAIRE TO PLAINTIFF

TO: Keith B. Burkins
#1013686
TDCJ
Gurney Unit
P.O. Box 6400
Tennessee Colony, TX 75861



DIRECTIONS: Plaintiff shall answer each of the following questions in the space provided for his answer. The answers to these questions shall be verified under penalty of perjury by Plaintiff on the signature line at the conclusion of these questions and returned to the United States Magistrate Judge within thirty (30) days from the date upon which Plaintiff receives the questions.

QUESTION NO. 1: Identify all convictions upon which you are presently confined in the Texas Department of Criminal Justice – Institutional Division by providing the following information for each conviction: (1) the docket number, (2) the offense, (3) the court that sentenced you, (4) the date of sentence, and (5) the length of sentence.

ANSWER: I WAS CONVICTED FOR THREE COUNTS OF AGG ROBBERY. I DONT HAVE THE DOCKET NUMBER. AT THIS TIME, BECAUSE I WASN'T ALLOWED ~~AND~~ ANY KIND OF DOCUMENTATION OF MY TRIAL? AGG. ROBBERY. I WAS SENTENCED BY JUDGE "LANA MC DANIEL'S" 203RD JUDICIAL COURT. I WAS SENTENCED ~~TO~~ ON 11-2-00, TO 40YR AGGRAVATED. I HAD THREE COMPLAINANTS THAT TESTIFIED THAT I DIDN'T DO THE CRIME. SO I'M APPEALING SO THAT JUSTICE WILL BE DONE!

QUESTION NO. 2: Describe in detail every statement, gesture and act that occurred on the night of November 17, 1999, from the time when you were driving in the 2300 block of Martin Luther King Blvd. until Officer Roger A. Rudloff arrested you. Be sure to describe the beating that occurred and identify by name each person who spoke, gestured or acted.

ANSWER: ON THE 17TH OF NOV. 99. I WAS DRIVING DOWN MARTIN L. KING. I RECIEVED A CALL FROM MY GIRL FRIEND. SO I PULLED OVER TO THE SHELL STATION TO RETURN THE CALL. AND OUT OF NO WHERE, I SEE A SQUAD CAR PULL UP ON THE SIDE OF ME. OFFICER ROGER A. RUDLOFF JUMPED OUT OF HIS SQUAD CAR. AND RAN TO MY CAR AND PULLED OPEN MY DOOR AND GRABED ME OUT FROM THE CAR. THEN HE SAID GET YOUR ASS OUT. PUSHED ME UP AGAINST MY CAR AND STARTED TO CUFE ME. AT THIS TIME I WAS AFFRAID OF HIM BECAUSE OF THE WAY THAT HE WAS HANDLING ME. SO I PANILED AND SNACHED MY ARMS TO FREE MYSELF. AND WHEN I DID OFFICER RUDLOFF FELL TO HIS BACK SIDE. SO I RAN TO WHERE SOME ONE COULD SEE AND LAID DOWN. TO WAIT FOR OFFICER RUDLOFF TO CATCH UP. AND WHEN HE DID HE SAID ~~AND~~ MUTHA-FUCKER DON'T YOU EVER! HE HIT ME IN MY HEAD AND KNOCKED ME UNCONSCIOUS AND CONTINUED TO BEAT ME UNTIL I REGAIN CONSLIOUSNESS FROM MULTIBLE BLOWS TO MY HEAD. AND KNEES TO MY BACK AND NECK. AND POUNDS TO MY FACE WITH HIS FIST. AFTER A MIN. OR SO I HEAR PEOPLE TALKING IT WAS PEOPLE FROM THE HOUSE THAT CAME OUT

ADD PAGE...

TO SEE WHAT WAS HAPPENING TO ME BECAUSE I WAS SCREAMING REALLY LOUD. AS I LAID ON THE GROUND I HEAR THOSE PEOPLE ARGUING WITH OFFICER RUDLOFF, AND AS I LOOKED THROUGH THE BLOOD FROM MY HEAD I SEEN THIS OLD CAUCASIAN MALE. THEN I SEEN OFFICER RUDLOFF AND I SAID MUTHA-F- YOU HIT ME WITH SOMETHING? AND HE SAID NO YOU HIT YOUR HEAD ON A ROCK! I SAID YOU HIT ME WITH YOUR FLASH LIGHT, CLUB GUN OR SOMETHING? THE OLD OFFICER WITH THE GRAY HAIR TOLD THE PEOPLE THAT HE ONLY SEEN THE OFFICER (RUDLOFF) HIT ME A COUPLE OF TIMES. AND THE PEOPLE SAID THAT HE HAD BEATEN ME REPEATEDLY ONE GUY TRIED TO GIVE A STATEMENT OF WHAT HAD HAPPEN AND THEY WOULDN'T ALLOW HIM TO, BUT ONE GUY DID GIVE A STATEMENT. HIS NAME WAS "WILLIE VAUGH" HE SEEN EVERYTHING THAT TOOK PLACE THAT NIGHT. NOW TO GO ON I WAS TAKEN TO "BAYLOR MEDICAL" WHERE I STAYED NUMEROUS HOURS TO HAVE A CAT SCAN DONE, AND HAVING STAPLES PUT IN MY HEAD. WHILE I WAS THERE OFFICER RUDLOFF GOT IN MY FACE AND SAID TO ME "KEITH" DONT MESS OVER ME, I WANT MESS OVER YOU CAUSE MY RANKING OFFICER WANTS ME TO GIVE YOU AN ASSAULT ON A OFFICER BUT I AINT AS LONG AS YOU LOOK OUT FOR ME I'LL JUST GIVE YOU A RESISTING ARREST AND AN AVADING ARREST HE ASKED ME ABOUT THIS GAY GUY NAME "BO-BO" I SAID THAT I KNEW WHO HE WAS SO HE TOLD ME TO GO AND BEAT HIM UP WHEN I GET OUT OF JAIL. HE ALSO SAIL THAT HE WOULD LOVE TO SEE ME BEAT HIS ASS. CAUSE HE DOSE'NT LIKE HIM ~~FR~~ FOR PERSONAL RESONS.

QUESTION NO. 3: Identify the charge(s) for which Officer Rudloff arrested you on November 17, 1999.

ANSWER: *RESISTING, AND EVADING ARREST.*

QUESTION NO. 4: Do you claim that the conduct of Officer Rudloff during the beating was negligent or do you claim that his conduct was deliberate/intentional?

ANSWER: *THE CONDUCT THAT ROGER A. RUDLOFF DISPLAYED SHOWS NEGLIGENT FROM HIS SUPERVISOR BOLTON, AND RUDLOFF BEHAVIOR WAS DELIBERATE AND VERY INTENTIONAL TO CAUSE HARM AND SEVERE PAIN AND SUFFERING, AND PERMANENT SCARING, EMOTIONAL INSTABILITY.*

If you claim that the conduct of Officer Rudloff was negligent, do not answer Question 5.
If you claim that the conduct of Officer Rudloff was deliberate or intentional, continue by answering Question 5. *HIS ACTIONS WERE OUT OF THE GUIDE LINES OF DEPARTMENT POLICY. BUT HIS OWN INTENTION TO CAUSE HARM AND BODILY INJURY*

QUESTION NO. 5: State all facts known to you on which you rely to establish that Officer Rudloff acted deliberately or intentionally during the beating.

ANSWER: HIS ACTIONS WERE OUT OF THE GUIDE LINES OF DEPARTMENT POLICY
BUT HIS OWN INTENTION TO CAUSE HARM AND BODILY INJURY

QUESTION NO. 6: Describe using specific facts the manner in which you were injured, if any, because of the beating by Officer Rudloff on the night of November 17, 1999.

ANSWER: *I'M SUFFERING FROM PHOBIA, SHORT TERM MEMORY LOST, IMPAIRED VISION AS WELL AS LONG TERM MEMORY LOST, MASSIVE HEAD ACHES, SEVERE MENTAL ANGUISH, ALSO STRESS PAIN AND SUFFERING, PERMANENT SCARRING!*

QUESTION NO. 7: If you received medical care as a result of the injury or injuries, if any, identified in answer to Question 6, state the name of the medical care personnel who treated you, the treatment rendered and any diagnosis you received.

ANSWER: *I RECIEVED MEDICAL CARE FROM BAYLOR MED. HOSPITAL AS WELL AS METHODIST HOSPITAL, DALLAS COUNTY JAIL INFIRMARY.*

QUESTION NO. 8: Have you recovered from any physical injuries sustained on November 17, 1999? If your answer is "no," identify all injuries from which you are still suffering and state every opinion that you have received from a medical care provider as to when you should fully recover and the name of each provider who has rendered an opinion.

ANSWER: (H.)!! NO!! I'M STILL SUFFERING DAILY, FROM THE BEATING THAT TOOK PLACE. ON NOV. 17, 1999 AND PROBABLY WILL BE FOR THE REST OF MY LIFE? I HAVE NUMEROUS, PHYSICAL INJURIES IN WHICH I STATED IN NUMBER #6 OF THE QUESTIONNAIRE? I WILL STATE THEM AGAIN. I'M SUFFERING FROM PHOBIA. SHORT TERM MEMORY LOST. IMPAIRED VISION AS WELL AS LONG TERM MEMORY LOST. MASSIVE HEAD ACHES. SEVERE MENTAL ANGUISH. ALSO STRESS, PAIN AND SUFFERING. PERMANENT SCARRING! I DON'T KNOW THE MEDICAL CARE PROVIDER'S BY NAME.

QUESTION NO. 9: Have you named Terrell Bolton as a defendant (1) because of his title as the Chief of Police for the City of Dallas or (2) because of some act or omission in which he personally participated with respect to the events identified in your complaint?

ANSWER: I DO BECAUSE OF HIS FAILURE TO ACT OR TO TRAIN OFFICER (ROGER A. RUDLOF, OR TO ENFORCE SUCH GUIDELINES?

If your answer to Question 9 is that Terrell Bolton is named as a defendant because he is the Chief of Police for the City of Dallas, do not answer Questions 10-11, but proceed to Question 12. If your answer to Question 9 is that Defendant Bolton was personally involved in the events identified in the complaint, answer Questions 10-11.

QUESTION NO. 10: Identify each act or omission on the part of Defendant Bolton that you claim establishes that he personally participated in or authorized others to act or fail to act with respect to the claims alleged in your complaint.

ANSWER: CHIEF (T. BOLTON'S) ACTIONS RESULTED TO THE UNRULY ACTIONS OF OFFICER (ROGER A. RUDLOFF) THAT CAUSED A THREAT OF MY LIFE! ON THE NIGHT OF NOV. 17, 1999.

QUESTION NO. 11: For each act or omission identified in answer to Question 10 state all facts and identify all persons with knowledge, presently known to you, which show that such action or omission was done personally by Defendant Bolton or was done with his knowledge and at his direction.

ANSWER: *CHIEF (T. BOLTON'S) ACTIONS RESULTED TO THE UNRULY ACTIONS OF OFFICER ROGER A. RUDLOFF) THAT CAUSED A THREAT OF MY LIFE / ON THE NIGHT OF NOV. 17, 1999.*

QUESTION NO. 12: Do you claim that Chief of Police Bolton implemented unconstitutional policies that causally resulted in the denial of the public records you requested?

ANSWER: *YES I DO BECAUSE I RECIEVED MULTIPLE LETTERS FROM (CHIEF T. BOLTON) STATING THAT HE APOLOGIZE FOR NOT BEING ABLE TO ALLOW YOU TO RECIEVE THE INFO. IN WHICH YOU REQUESTED.*

If your answer is "Yes," continue by answering Questions 13 & 14. If your answer is "No," go to the end of the questionnaire, sign your name and enter the date.

QUESTION NO. 13: Identify each custom or policy of the Dallas Police Department which you claim caused the denial of the public records you requested.

ANSWER: I CALLED THE RECORDS BLDG. AND I WAS TOLD THAT I COULDN'T RECIEVE ANY INFO. UNTIL IT WAS CONFIRMED BY THE ATTORNEY GENERAL'S. ALSO THE LETTERS IN WHICH CHIEF BOLTON SENT ABOUT THE INFO, THAT I REQUESTED. AND I WAS DEPRIVED OF MY RIGHTS OF (THE OPEN RECORDS ACT!) I WAS DENIED RECORDS THAS OPEN TO THE PUBLIC. I WAS SHOWN PREJUDICE AS WELL AS DISCAIMINATION. THOSE WERE VIOLATONS OF MY CIVIL RIGHTS!

QUESTION NO. 14: For each custom or policy identified in answer to Question 13, state all facts known to you on which you rely to establish the existence of each such custom or policy.

ANSWER: CUSTOMS AND POLICY IS IN AGREEMENT WITH THE 8th AMENDMENT
AS WELL AS THE 14th AMENDMENT.

ISSUED this 20th day of January, 2001.

Wm. F. Linder Jr.
UNITED STATES MAGISTRATE JUDGE

VERIFICATION

STATE OF TEXAS)
)
COUNTY OF DALLAS)

I understand that a false statement or answer to any question in this cause of action will subject me to penalties for perjury. I hereby declare (or certify, verify or state), under penalty of perjury, that the foregoing answers are true and correct. (28 U.S.C. § 1746).

SIGNED on this 11th day of FEBRUARY, 2001.

Keith B. Burkins
Plaintiff